Virginia Department of Historic Resources
PIF Resource Information Sheet

This information sheet is designed to provide the Virginia Department of Historic Resources with the necessary data to be able to evaluate the significance of the property for possible listing in the Virginia Landmarks Register and the National Register of Historic Places. This is not a formal nomination, but a necessary step in determining whether or not the property could be considered eligible for listing. Please take the time to fill in as many fields as possible. A greater number of completed fields will result in a more timely and accurate assessment. Staff assistance is available to answer any questions you have in regards to this form.

General Site Information

For Staff Use Only
DHR Site #:

Site Name(s): The Foster Site

Site Date(s): 1819 - 1906 ☐Circa ☐Pre ☐Post Open to Public? X Yes ☐Limited ☐No

Site Address: 1540 Jefferson Park Avenue City: Charlottesville Zip: 22902

County or Ind. City: Charlottesville USGS Quad(s): Charlottesville West

Physical Character of General Surroundings

Acreage: 0.74 Approximate Dimensions: 260 feet (north-south) by 125 feet (east-west)

Site Description Notes/Notable Landscape Features: The Foster archaeological site is a nineteenth century residential complex south of Jefferson Park Avenue and the University of Virginia's Central Grounds, which includes the Academical Village. The property was first purchased and built upon by white contractors to the University of Virginia in 1819. Catherine 'Kitty' Foster, a mulatto laundress and seamstress, purchased the 2 1/8 acre home site in 1833. Catherine and her descendants occupied the property until 1906 when it was sold out of the family. Among the site's prominent archaeological features are a central residence with dug paneled basement, bulkhead entrances, brick fire box and chimney base, and remnant masonry piers. To the north of the residence is a formal brick paved area and brick and stone walk leading to Jefferson Park Avenue. Surrounding the residence on the west and southwest is a functional, hard surfaced area of cobbling that faces the former Venable Lane alley. The site also contains a brick-lined well and a remnant nineteenth century mortared brick outbuilding, most likely a smoke house. Located within the Foster archaeological site is a small cemetery containing 32 interments including adults, youth and children. The cemetery is believed to be the final resting place of many Foster family members, as well as residents of the larger African American "Canada" community.
Current Use of Site: The Foster archaeological site and Foster - Canada cemetery were commemorated by the University of Virginia in 2011. The site now serves as a memorial park dedicated to remembering, through education and interpretive exhibits, the Foster family, the cemetery, and adjacent Canada neighborhood. The site is publicly accessible to all visitors.

Any Known Threats to the Site: No threats to the site are known to exist.

Ownership Category: ☐Private ☐Public-Local **X** Public-State ☐Public-Federal

Archaeological Description: Discuss (a) archaeological deposits present at the site and their level of integrity, and (b) prior investigations at the site as well as prior historical documentation for the site, citing all available references. For sites being evaluated for the Threatened Sites Fund, also discuss types of threats facing the resource, the severity of such threats, and if threats are immediate or long-term in nature.

Site Description

The Foster archaeological site is a domestic residential complex believed to have been originally developed ca. 1819, and subsequently expanded and improved upon throughout the nineteenth century. The residential structure and its surrounding landscape elements was centered at the north end of an early nineteenth century 2 1/8-acre parcel located on the south side of what was then Wheeler's road, a prominent thoroughfare leading from Charlottesville to Lynchburg. A narrow alley, subsequently named Venable Lane, bordered the western edge of the property and provided access to the more functional side and rear yards. Paramount to its development, the property also abutted the south side of a developing University of Virginia.

Today the Foster archaeological property is a commemorative site containing educational and interpretive exhibits. A 'shadow catcher,' archaeological reveal, paths and benches encourage visitors to learn about the history of the Foster family, the development of the property, and the emergence of the historically African American community named Canada. The Foster – Canada cemetery containing 32 interments is bounded by a low stone wall with depressions that mark the spatial arrangement of graves.

The National Register nominated Foster archaeological site is a 0.75-acre north-south oriented rectangular parcel. It is bounded by Jefferson Park Avenue on its north, the former Venable Lane alley corridor and South Lawn buildings on its west, one office (1500 Jefferson Park Avenue) and two apartment buildings (411, 413-415 Brandon Avenue) on the east, and by a turfed area and vehicular and service entrance associated with the South Lawn buildings on its south (Figure 1).

Historical Documentation

The Construction of the University of Virginia and its Impact on the Project Area Vicinity, 1817-1826

In May of 1817, the Board of Visitors for Central College examined the lands of several owners and subsequently ratified an agreement to purchase two parcels from John Perry including a 43 and ¾-acre parcel approximately one mile west of Charlottesville where the new Central College would be constructed. The cornerstone to Pavilion VII, the first building to be constructed at the University of Virginia, was laid on October 5, 1817.[1]

After selling portions of his lands to the Rector and Board of Visitors in 1817, 1820 and again in 1825 John M. Perry, one of several important contractors who would build the

[1] Frank Grizzard, *Documentary History of the Construction of the Buildings at the University of Virginia, 1817-1828, np*. http://etext.virginia.edu/jefferson/grizzard/.

Academical Village, recognized the value that construction of the educational institution would bring to his adjacent lands. Perry held on to most of his lands adjacent to and surrounding the University, selling only small parcels to relations and business partners until he left Virginia in the mid-1830s.[2]

In the spring of 1819, the year the University of Virginia was founded, Perry sold a 17 and ¾-acre parcel of land south of and adjacent to the Academical Village to James W. Widderfield, a carpenter's apprentice employed by James Dinsmore and John Nielson who would contribute to the construction and expansion of the new academic institution through the first half of the nineteenth century. In the same year, Widderfield sold a 2 and 1/8-acre parcel of his land fronting the south side of Wheeler's Road to an Abner Hawkins. Hawkins was a brickmason who also contributed to the construction of the University for a very limited time.[3] In 1820, Widderfield also gifted a small parcel of land, fronting the south side of Wheeler's Road totaling 156 square poles,[4] to a David Vandergrift, another carpenter and also possibly a relative. The deed conveying the 1-acre parcel to David Vandergrift also noted an adjacent property line with a John Simpson. Because no record of John Simpson purchasing property in Albemarle County exists, it is assumed that he rented land and either built his own or rented a residence from James W. Widderfield. A John W. Simpson was also a contractor to the University as institutional records document he submitted a bid to the Proctor in August of 1825 to construct wooden shutters for all buildings.[5] In 1823 John Neilson, one of the primary master carpenters who directed the construction of the University of Virginia, acquired a small lot along the south side of Wheeler's Road just east of the Widderfield property. Neilson constructed a brick residence there which subsequently became known as the 'Ivy House.' By 1825, George W. Spooner, son-in-law to John M. Perry, and also a carpenter was most likely residing in the Oakhurst Circle vicinity. Between 1819 and 1825 then, evidence suggests that a small but concentrated residential community of skilled white contractors and subcontractors to the University, a veritable carpenter's row, had developed south of Wheeler's Road adjacent to the Academical Village with the Spooner, Widderfield, Hawkins, Vandergrift, Simpson and Neilson properties all containing domestic structures.[6]

The Hawkins Family Occupation and Winn Ownership, 1819 - 1833

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[2] *Albemarle County Deed Book* 20:356; 22:170; 25:251. Albemarle County Courthouse, Charlottesville, Virginia.

[3] A ca. 1821 letter from Abner B. Hawkins to University Proctor Arthur S. Brockenbrough indicates that he was a brickmason engaged by the University of Virginia. See Grizzard, *Documentary History*, np.

[4] Although it is not known what shape the 156 square poles (42,471 sq. feet) took, this is roughly the equivalent of a one acre lot.

[5] *Albemarle County Deed Book* 32:27; 32:28. Albemarle County Courthouse, Charlottesville, Virginia; *Papers of the Proctors of the University of Virginia, 1809-1905*, (Proctor's Papers) RG-5/3/1.111. John W. Simpson to Arthur S. Brockenbrough, August 8, 1825. Special Collections Department, University of Virginia Library, Charlottesville, Virginia.

[6] *Albemarle County Deed Book* 21:436; 21:513; 22:489; 23:230; 32:27; 32:38; *Albemarle County Land Tax Records*, 1824, 1826. Albemarle County Courthouse, Charlottesville, Virginia.

Originally from Lynchburg, Virginia, brick mason Abner Hawkins arrived in Charlottesville in 1819. Upon acquisition of the small 2 and 1/8-acre parcel adjacent to the south side of the University of Virginia from James W. Widderfield, Hawkins most likely constructed a residence there. Court records document that Hawkins had a small family that included his wife, Julia, and by August of 1820 and a "negro girl named Billinder" who was lent to him, "to have the use of her," by a Richard Dobbs.[7]

By the end of 1822, Abner Hawkins had defaulted on his obligation to pay James W. Widderfield for his purchase of the property. His trustees sold the 2 and 1/8-acre parcel at auction to the highest bidder, the local merchant John Winn.[8] Shortly after acquiring the 2 and 1/8-acre Abner Hawkins lot in late 1822, John Winn proceeded to rent the property. A newspaper advertisement taken out by Winn in late 1828 for multiple properties "For Sale, Rent or Lease," notes that he had rented the Hawkins property "for $60 for the last 3 or 4 years." The same advertisement also noted that the lot contained "a dwelling house suitable for a small family, a brick smoke-house & c." Winn owned the 2 1/8 acre property until its purchase by Catherine 'Kitty' Foster in late 1833.[9]

Free Blacks and the University of Virginia

The establishment of the University of Virginia in the first quarter of the nineteenth century attracted a number of free artisans, laborers and working class families, both black and white, who helped to build the Academical Village. During the period of construction of the University of Virginia, institutional records document that several free black contractors provided services such as hauling supplies, brick making, making clothes for enslaved laborers, washing and cooking to the University and its white contractors.[10]

Once the University opened to students in 1825, free blacks continued to provide general labor and services to the institution, faculty and students. Free blacks provided laundry services, made summer and winter clothes for enslaved laborers, made and repaired shoes, maintained and repaired the water works supplying the University, performed blacksmith and carpentry work, painted and whitewashed buildings, and were employed as general labor and janitorial staff.[11]

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[7] *Albemarle County Deed Book* 21:436, 513. Albemarle County Courthouse, Charlottesville, Virginia; Land tax records for Abner Hawkins, ca. 1819 – 1822, do not document any improvements made to the 2 1/8 acre property during this period. However despite the lack of evidence, it is assumed that the parcel's primary use was residential. It is believed that because of its location adjacent to the south side of the University, some type of residence was built there during the Hawkins tenure. Clearly by 1824-1825 at the latest, the property had a dwelling on it. It is presumed that John Winn acquired the land in 1822 because it had a residence on it and could be rented out with relative ease, as was subsequently done.

[8] *Albemarle County Deed Book* 22:489; 23:230. Albemarle County Courthouse, Charlottesville, Virginia.

[9] *Virginia Advocate*, November 22, 1828.

[10] *Proctor's Papers*, RG-5/3/1.111. Box 17, Accounts, January – June 1820; Box 17, Accounts July - December 1820; Box 18, Accounts, February – June 1823. Special Collections Department, University of Virginia Library, Charlottesville, Virginia.

[11] *Proctor's Papers*, RG-5/3/1.111. Box 18, Accounts, January – June 1826; Box 19, Bills and Accounts, January – April 1828; Box 19, Bills & Accounts, January – June 1829. Special Collections Department, University of Virginia Library, Charlottesville, Virginia.

During both the period of construction and subsequent operation of the University, a number of free blacks resided within the Academical Village. During the period of major construction this was considered a necessary fact of life. However, after the opening of the University, a limited number of free blacks continued to live within University grounds, either renting separate accommodations or residing within faculty and hotel keeper households, providing ongoing services to the growing Academical Village. Faculty resolutions from the late 1820s document a concerted effort to remove these individuals perceived as undesirable as they were not under the direct control of a white person. In April of 1828, the Faculty approved a motion that the "Proctor be informed that the faculty disapprove of free Negroes being located within the University." Less than a month later, the Faculty attempted to extend their influence beyond the University, ordering the Proctor to inquire about Phil, a "man of color at the foot of the hill below the University."[12]

Perhaps in response to Faculty efforts to have them removed, free black families began to rent houses in land surrounding the University during this period. It is likely that from the mid-1820s onwards, the area south of and adjacent to the University was one area surrounding the Academical Village that evolved as a residential neighborhood for free black families that relied on the business provided by their adjacent University neighbors. The area south of the University underwent a transitional period in the mid-1820s when major contracts for construction at the University dried up and many of the white contractors and sub-contractors who had helped to build the Academical Village looked elsewhere for employment. On the Widderfield property alone, Abner Hawkins had moved away by late 1822, John W. Simpson disappeared by late 1825, and David Vandergrift moved away in 1834. The resulting glut of residences abutting the Academical Village most likely led to their rental to individuals associated in some way with the University of Virginia.

Additional evidence supporting the occupation of rental properties adjacent to the University by African Americans is found in the 1833 census of Free Negroes & Mulattoes. This Albemarle County census documents at least seven households in both St. Anne and Fredericksville parishes[13] that were recorded as living at 'University' or 'near University.' These families included individuals whose occupation was listed as washerwomen, seamstress, carpenter, and shoemaker. Of these seven families, six were recorded as headed by females. Five of the heads of households are recorded as holding occupations typical of urban black women during the antebellum period, e.g. seamstress,

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[12] *Proctors Papers*, RG-5/3/1.111. Box 7, Faculty Resolutions, 1827-1828, April 23, 1828, May 20, 1828. Special Collections Department, University of Virginia Library, Charlottesville, Virginia. It is not known if Phil was eventually evicted from his property. However it is interesting to note that late 1828 is also the period when John Winn advertises the sale or rental of his 2 1/8 acre property that had been rented "for the past 4 or 5 years." Winn's property was one of the few known rental units in this area in 1828.

[13] The Virginia General Assembly passed a law in 1833 requiring all Counties to account for the free blacks residing there. Albemarle County was divided up into two parishes, St. Anne's Parish which was located south of what is now University Avenue containing the Foster archaeological site, and Fredericksville Parish which was located north of what is now University Avenue. Curiously enough, Catherine Foster and her family were not included on this list.

washerwoman. It is likely that a large part of the clientele of these washerwomen and seamstresses were University faculty, staff and students, thus accounting for their location near the University.[14] Albemarle County deeds do not record formal property ownership for any of these families suggesting that they may have rented their residences living within or adjacent to the University grounds.[15]

Although providing needed services to the University, free blacks were never truly welcome within the Academical Village. Free blacks were perceived by University faculty as a threat to both students and institutional morality and order, an attitude that persisted through the Civil War period. Recognizing the need to provide basic services to students, yet insisting upon restricting the access of free black washerwomen to the Academical Village due to their 'evil' influences, in 1847 Proctor William Kemper recommended a solution. "The undersigned was early impressed with the evil resulting from the number of free Negroes, and those nominally so, hanging on about the University - He is of the opinion that the evil may be greatly lessened by requiring the washing for the students to be done by the hotel keepers." Although Kemper's proposal was never adopted by the Board of Visitors, it documents the degree to which free blacks were persecuted within and beyond the University of Virginia during the first decades of operation.[16]

Free blacks occupied a slippery middle ground in nineteenth century Virginia. By definition free persons of color were not enslaved and therefore were able to take advantage of certain benefits that slaves could not, including property ownership. As persons of color however, they were clearly not white, were therefore never truly free, and were ultimately considered a potentially dangerous social element to be controlled. For many free blacks, educational opportunities and choices of occupation were limited, housing and property ownership, movement and social activities were restricted, they were required to carry free papers with them at all times, they could not vote or hold office, and they were always at risk for their personal safety. Although the Commonwealth provided for the legal definition of racial categories, because this definition was fluid and ambiguous at best, the clarification of such laws, as applied to a racially defined group of persons or on an individual case by case basis, was ultimately in the hands of the local community and courts.[17]

Rural towns such as Charlottesville and urban-like areas such as the University of Virginia vicinity typically offered more job opportunities for free blacks than the surrounding agriculturally centered rural areas. Therefore free black populations tended

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[14] Ervin L. Jordan Jr., "A Just and True Account: Two 1833 Parish Censuses of Albemarle County Free Blacks." *The Magazine of Albemarle County History*, Vol. 53 (1995), 120-139.

[15] Fifth United States Census, 1830. Population Statistics, Albemarle County, Virginia.

[16] *Proctors Papers*, RG-5/3/1.111. Box 15, Proctor's Report, 1843-1847, June 25, 1847.

[17] Since 1705, Virginia law had defined three categories of racial diversity white, black and mulatto, a category somewhere in between. Between 1705 and 1785, a person with one African parent, grandparent or great-grandparent, or at least one eighth African blood, was considered a mulatto. After 1785, a person with one African parent or grandparent, at least one fourth African blood, was considered a mulatto. Joshua D. Rothman, *Notorious in the Neighborhood: Sex and Families Across the Color Line in Virginia, 1787-1861* (Chapel Hill: The University of North Carolina Press, 2003), 204-205.

to be larger in urban than rural areas. Laundress and seamstress, those occupations most frequently recorded as occupations for the Foster women in federal census, were perceived as unskilled positions. As a small village in need of unskilled laborers to perform labor and service oriented work, the University of Virginia must have attracted free blacks from the beginning.

The Foster Family Occupation, ca. 1833-1906

Little is definitively known about the pre-1830 history of Catherine Foster and her family. It is possible that Catherine Foster was enslaved and may have acquired her surname from a white slave owner. Census records document that Kitty Foster was between 70 – 75 years old at her death in 1863. If these records are accurate, this would make her birth date ca. 1790-1795. Of the slave owning Fosters present in late eighteenth century Albemarle County only one, a Henry Foster, was found to own a slave named Catherine. At his death in 1795, Henry Foster's will documents that he owned a slave girl named 'Cati,' a common diminutive of the more formal Catherine. Cati was passed on to Henry's widow, Elizabeth at his death.[18]

Catherine Foster does not appear in Albemarle County records until the 1820 census when she is documented as a head of household containing two boys and two girls, all under the age of 14, each recorded as black. She appears as Kitty Foster in the 1830 census, the head of a household containing two boys between the ages of 10 and 15, and three girls, one under 5, one between 10-15, and one between 15-20, all listed as white. The two boys that appear in these documents are presumably her sons, German and Burwell Evans, who were born in 1817 and 1820 respectively. In various documents throughout the 1830s, the boys appear with the surname Evans or Foster. Catherine's daughters were Sarah, born ca. 1816, an unidentified girl who may have died at an early age, and Anne born in 1830.[19]

In December of 1833, Catherine Foster purchased the 2 and 1/8-acre tract of land on the south side of Wheeler's Road adjacent to the Academical Village from merchant John Winn. In doing so she made the formal transition from tenant to land owner. However University records suggest that Catherine Foster may have maintained a presence near the Academical Village prior to 1833. An October 1832 receipt documents that a student named D. H. Turpin instructed the Proctor of the University to pay $4.00 to Kitty Foster, a "col'd woman for washing." This record suggests that Catherine Foster may have been living adjacent to the University, possibly as a renter, for an unknown period prior to 1833.[20]

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[18] David G. Smith. "From Virginia Farms to Iowa Coal Mines" 108. *Journal of Afro-American Historical And Genealogical Society*, Vol. 16, No. 2 (1997).

[19] Fourth U. S. Census, 1820. Population Statistics, Albemarle County, Virginia; Fifth U. S. Census, 1830. Population Statistics, Albemarle County, Virginia; Smith, "From Virginia Farms," 109.

[20] *Proctors Papers*, RG-5/3/1.111. Box 8, Receipts, October 6, 1832. University of Virginia, Special Collections Department, Alderman Library, Charlottesville, Virginia.

The fact that Catherine Foster purchased the John Winn property in 1833 is significant. In 1831 Nat Turner's Rebellion had shocked Southampton County and the larger Commonwealth. In addition, the abolitionist movement had begun to gain ground on a national level in the early 1830s. As a result of these events, the Virginia General Assembly passed several laws designed to further restrict free blacks.[21] Although we may never know for certain, Catherine Foster's purchase of the John Winn property may have been an effort to establish with greater certainty her family's social and legal standing in the face of increased local harassment of free blacks based in the implementation of the Commonwealth's new laws.

During the first few years of her residence south of the University, Catherine Foster's household likely consisted of her two sons and three daughters. Catherine Foster and her family appeared to have interacted well with the surrounding residential and University community. She presumably continued to wash clothes for students and faculty, possibly being helped by her daughters. Like other free young men and women of the early nineteenth century, Catherine's sons German and Burwell were indentured to local craftsmen or skilled workers. In 1830 German and Burwell, then only ten and thirteen years of age, were indentured to unknown individuals "until they shall arrive at lawful age." Again in 1836 Burwell Evans, the "son of Catherine Foster," was bound out at the age of 19, pending the approval of his mother, to James W. Widderfield, a white carpenter and immediate neighbor to the east.[22]

Between the mid-to-late 1830s however, Catherine Foster's household experienced dramatic change. In 1835 her daughter Sarah married Christopher M. Smith. It is possible that the newly-wed couple may have lived on Catherine's property for a period of time, perhaps eventually building a residence of their own there. In late 1836, Catherine's eldest son German married Agness Isaacs, daughter of another prominent Charlottesville free black, Nancy West. Sometime between 1837 and 1840, German and Agness migrated to Wilmington Township, Clinton County, Ohio. The 1840 census there lists his occupation as a barber. By 1839, her daughter Sarah gave Catherine her first grandchild, a girl named Harriet Smith. That same year, Sarah died. The 1840 census for Albemarle County reflects these changes listing Catherine Foster as head of a household containing one boy between the age of 20-25, and three girls, all listed as black.[23]

Albemarle County Land Tax records document that substantial improvements were made to the buildings on the Catherine Foster property in 1840 in the amount of $150. The value of the land per acre and total value of the property rose accordingly. It is not known if these values reflected improvements of existing buildings or construction of new buildings. No additional improvements to the buildings or property in the Albemarle County Land Tax records were noted to be made during Catherine Foster's lifetime.[24]

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[21] Rothman, *Notorious in the Neighborhood*, 210-211.
[22] *Albemarle County Minute Book*, 1830-1831, August 2, 1830, np.; *Albemarle County Minute Book*, 1834-1836, January 4, 1836, 324. Albemarle County Courthouse, Charlottesville, Virginia; Millie Fife, "A Report on the Foster Family of Venable Lane," July 30, 1996, 3-4. Ms. at the Carter G. Woodson Institute for Afro-American and African Affairs, University of Virginia, Charlottesville, Virginia.
[23] Fife, "Foster Family of Venable Lane," 4-5; Smith "Virginia Farms," 110-111.
[24] *Albemarle County Land Tax Records*, 1840. Albemarle County Courthouse, Charlottesville, Virginia.

The 1850 census is the first to list residents according to geographical location. This census documents 60-year old Catherine Foster as a head of household living with Ann age 24, Harriet age 12, Susan age 6, and Clayton age 5. All were listed as mulatto. The assessed value of the real estate owned by Catherine Foster was $450. Harriet, Catherine's granddaughter, died in 1858.[25]

Ten years later, the 1860 census documented a 65-year old Catherine Foster as a head of household living with nine other individuals including Ann age 29, Susan age 15, Clayton age 12, Theresa age 8, Cordelia Henry age 6, Willy A. Henry age 5, Josephine Henry age 2 (daughter of Harriet Smith), James Henry age 2, and Mary J. Martin, presumably a tenant, age 16. With the exception of Mary Martin who was listed as black, each member of Catherine Foster's household was listed as mulatto. There was no racial listing by Catherine Foster's name possibly implying that she was considered white. The value of Catherine's real estate was assessed at $4,000 and her personal property was assessed at $300.[26]

On October 6, 1857, Catherine Foster's grandchildren and Ann Foster's children, Susan Catharine Foster and Clayton R. Foster, applied to the Albemarle County Court for a certification that they were "of mixed blood."[27] Thomas Jefferson Randolph appeared in court on behalf of Susan and her brother Clayton, providing evidence that allowed a judge to rule that they were "not negroes, in the meaning of the Act of Assembly."[28] In 1833, the Virginia General Assembly enacted a law that allowed the County courts to certify, upon evidence from a white person, that "any free person of mixed blood…, not being a white person nor a free negro or mulatto, …that he or she is not a free negro or mulatto." Along with other laws controlling and restricting African Americans, the mixed blood or 'not a negro' law attempted to address the 'problem' of what to do with free citizens of the Commonwealth who clearly had some African ancestry, but who were less than 'one quarter black,' the threshold for legally defining blackness for the period. The benefit to being legally defined as 'not a negro' was that the person so classified would be exempt from "the pains, penalties, disabilities and disqualifications, imposed by the law upon free negroes and mulattoes, as free negroes and mulattoes." [29] Although this

[25] Eighth U. S. Census, 1850. Population Statistics, Albemarle County.
[26] Ninth U. S. Census, 1860. Population Statistics, Albemarle County.
[27] Susan and Clayton Foster would have been 12 and 9 respectively at the time of their application to the local court.
[28] *Albemarle County Minute Book* 1856-1859, October 6, 1857: 190, November 3, 1857: 203. Albemarle County Courthouse, Charlottesville, Virginia. It is interesting that Thomas Jefferson Randolph, the eldest grandson of Thomas Jefferson, a prominent Virginian who was elected to the Virginia Legislature, served on the Board of Visitors of the University of Virginia for 31 years, and also served as Rector beginning in 1857, would have testified on behalf of the Foster children. The connection to Thomas Jefferson Randolph however may not be so unusual. The Foster family was connected through marriage to former slaves of Thomas Jefferson. One of Catherine Foster's two sons, German Evans, married Agness Isaacs in 1836. The Isaccs family was a prominent mixed-race family in early Charlottesville. Two children of Nancy West, a free black, and David Isaacs, a white man, married into the enslaved families of Jefferson. Tucker Isaacs married Ann Elizabeth Fossett daughter of Jefferson slaves Joe and Edy Fossett, and Julia Ann Isaacs married Eston Hemings, also a Jefferson slave.
[29] Rothman, *Notorious in the Neighborhood*, 211.

ambiguous legal status meant that they were neither white, free black nor mulatto, it is unclear what the social, economic and political implications might have been. Not being legally white, they did not possess all of the rights and privileges that a white citizen did. On the other hand, not being a free black or mulatto meant they may have been exempt from other restrictive laws or punishments. Ultimately it created a new socio-legal class of 'mixed blood' persons. As previously noted, it was left up to the local community to determine how to treat and apply the law to 'mixed blood' persons.

Clearly Ann Foster must have perceived a benefit to herself and to the future of her two children in guiding Susan and Clayton to apply for the 'free black nor mulatto' status through the courts. The period in which Susan and Clayton applied may provide a clue as to her motivation. In response to increased persecution, during the decade of the 1850s many free blacks attempted to use Virginia law to claim mixed blood or 'not a negro' status. Indeed, in the fall of 1857, many local free blacks appeared in Albemarle Court to register and certify that they were free and born of free parents prior to May 1, 1806. The May 1, 1806 Act of the Virginia Assembly required slaves manumitted after this date to leave the state within twelve months or be re-enslaved. This law was a direct attempt by the General Assembly to restrict the growth of the free black population and simultaneously circumscribe their liberties. It is possible that in order to avoid the legal process of having to provide evidence of their free birth and simultaneously avoiding potential banishment, Ann Foster may have decided to have her children legally declared 'not a negro.' It is not known if any of Catherine Foster's other grandchildren applied to the courts for this status. Ann Foster herself registered with the Albemarle County Court as a free person of color on October 6, 1857. Her register stated that she was 26 years of age, 4 feet 9 ½ inches tall, and was described as having a light complexion "with a mole on the forehead and right cheek."[30]

Catherine Foster died in 1863 at the age of between 68 and 73 years. Catherine's 1859 will directed her daughter and executrix, Ann Foster, to divide the property in equal proportions. Ann and her own daughter Susan C. Foster were to receive one moiety, and Catherine's grand-daughter Harriet Smith was to receive the other moiety. However as her eldest surviving daughter, Ann Foster was to possess the entirety of the property and its profits until her death, when it was to be divided between Susan Foster and Harriet Smith[31]

Institutional records document that like Catherine Foster, Ann Foster and her children continued to be employed by the University in limited, task oriented jobs. In 1863 Ann Foster provided unnamed services to the Infirmary, what is now Varsity Hall, for an unknown period of time. It is not clear whether she served as a nurse caring for wounded Confederate soldiers, or in another capacity. Clayton Foster, son of Ann Foster, also

[30] *Albemarle County Minute Book* 1856-1859, October 6, 1857:189. Albemarle County Courthouse, Charlottesville, Virginia; Rothman, *Notorious in the Neighborhood*, 226.
[31] *Albemarle County Will Book* 27:32. Albemarle County Courthouse, Charlottesville, Virginia.

worked for the University in the immediate post-bellum period receiving payment for unspecified labor on a number of occasions in 1866 and 1867.[32]

During Ann Foster's tenure, ca. 1863 – 1881, several improvements were made to the property. Albemarle County Land Tax records document that the value of the buildings on the Foster property increased by $50 in 1871, and by $300 in 1876. These increases in building valuations suggests that in addition to housing their extended family, it is possible that unrelated tenants may have also been present on the Foster property in one or more new buildings constructed during this period.[33]

The census of 1870 documents reflects two separate households. Ann was recorded as a 40-year old head of household and lived with nine other individuals including Susan age 23, Clayton a 22 year old painter, Theresa age 19, Cordelia age 16, James L. age 10, Willie Lee age 5, Anna age 4, Mary age 2, and Josephine Smith age 11. Also living on the same property was Elizabeth Morris a 25-year old seamstress, William Morris age 10, and William Watson a 32-year old white painter. All of the Fosters and Morrises were listed as mulatto. The value of Ann Foster's real estate in 1870 was assessed at $2,000.[34]

The 1880 census reflects three separate households, presumably living in three separate structures, on the Foster property. Ann Foster was listed as a single 50-year old seamstress and a head of household that included her daughter Lula age 9, and Marshall Ward a 25-year old laborer. Susan Foster was listed as a single 34-year old seamstress and a head of household that included a daughter Anna Watson age 13, a daughter Mary Watson age 11, a daughter Rachel Watson age 1, and Josephine Smith (her cousin) a 23-year old seamstress. Clayton Foster was listed as a 33-year old married housepainter and a head of household that included his sister Cordelia Foster a single 24-year old seamstress, John Foster an 8-year old nephew, Carrie Foster a 5-year old niece, Bessie Foster a 3-year old niece, and Charles Foster a 1-year old nephew.[35]

When Ann Foster died intestate in November of 1881, the Foster property was divided according to Catherine Foster's 1859 will. The 1882 Chancery Cause of Susan Foster vs. Josephine Smith, Willie Lee Foster and Lula Foster ordered that the property was to be divided equally in both quantity and quality with Josephine Smith, the daughter of Harriet Foster and the only surviving grandchild of Catherine's daughter Sarah, receiving one half, and the other half of the property to be divided equally between Ann's seven surviving children. The commissioner's report in the same case documented that the property was subsequently divided in half along a north – south axis, the eastern half of

[32] *Ledgers Maintained by the Proctor of the University of Virginia, 1817 – 1910*, RG-5/3/2.961. Volume 1860-1861, p706; Volume 1861-1865, p405; Volume 1866-1867, p578, 584. Special Collections Department, University of Virginia Library, Charlottesville, Virginia.
[33] *Albemarle County Land Tax Records*, 1863-1881. Albemarle County Courthouse, Charlottesville, Virginia.
[34] Tenth U. S. Census, 1870. Population Statistics, Albemarle County.
[35] Eleventh U. S. Census, 1880. Population Statistics, Albemarle County.

the property being awarded to Josephine Smith, and the western half of the property, of which Susan retained 5/7 shares, was to go to Susan, Willie Lee and Lula Foster.[36]

The 1882 Chancery Cause also documented that a total of six structures stood on the Catherine Foster estate, three each on Josephine Smith's eastern half and Susan C. Foster's western half. It is not clear if all of these structures were occupied by descendents of the Foster family or if some were also rented out to non-related tenants. Tenancy was a common practice of both black and white property owners in late nineteenth century Charlottesville.[37]

In 1891 after Willie Lee obtained age, Susan C. Foster, Teresa Foster, Willie Lee Foster, and Mary Morris agreed to divide the land according to the plat attached to the deed. Susan was to receive the top or northern 218 feet of the property, Teresa received the next adjoining 63-foot lot, Willie Lee received the next adjoining 64-foot lot, and Mary Morris received the last or southern most 35 ½ foot lot. Susan Foster retained the interest of Lula Foster who was not yet of age. Lula Foster conveyed her interest in the Catherine Foster estate to Susan Foster in May of 1892.[38]

Josephine Foster sold her eastern half of the original 2 and 1/8-acre Catherine Foster property to S. C. Chancellor et al., a group of white developers, in 1900. Shortly thereafter, Susan Foster sold her western lot to white developers C. H. Walker and E. L. Carroll in 1906. In 1907, Mary Morris sold three lots at Venable Lane to C. H. Walker and E. L. Carroll.[39]

Theresa Foster was the only grandchild of Catherine Foster who lived in the project area vicinity her whole life, owning property there from 1891 through 1921. Theresa Foster married William Thomas Spradling and they had four children, Julius, Thomas S., Marie T., and Lilian B. Joachim. The Spradling family moved to their Venable Lane lot and built a house there sometime between 1891 and 1900. They lived there through 1921 when the children sold the land to Barringer et al. By 1900, Land Tax records note that Theresa Foster's lot was valued at $2,400 suggesting that a house was present at or before this time. The first map to document the presence of a house on Theresa Foster's lot is the 1920 Sanborn Insurance Map. This map shows a house oriented westward towards the base of Venable Lane with a small garage or outbuilding at the east or rear of the lot. [40]

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[36] *Albemarle County Chancery Order Book* 13:163, 189; Albemarle County Deed Book 116:393, 395. Albemarle County Courthouse, Charlottesville, Virginia. Clayton, Cordelia, Teresa and James Foster each conveyed their 1/7 interest in the property to Susan C. Foster.

[37] Millie Fife, "#2 Report on the Fosters," 1. Ms. on file at the Carter G. Woodson Institute for Afro-American and African Studies, University of Virginia, Charlottesville, Virginia.

[38] *Albemarle County Deed Book* 95:197; 97:321. Albemarle County Courthouse, Charlottesville, Virginia.

[39] *Albemarle County Deed Book* 116:395; 134:274; 135:415. Albemarle County Courthouse, Charlottesville, Virginia. Mary Morris had obtained Willie Lee's lot in 1901 and Lula Foster's lot from Susan Foster in 1903. See *Albemarle County Deed Book* 121:163; 127:230. Albemarle County Courthouse, Charlottesville, Virginia.

[40] *Charlottesville City Deed Book* 37:274. Charlottesville Courthouse, Charlottesville, Virginia; Fife, "#2," 3, 9; Fife, "Foster Family of Venable Lane," 64-66. Census records for 1900 record the entire Spradling family, including Theresa Foster, as 'white.'

The Foster Family Burial Ground

Sometime during the Foster family tenure at Venable Lane, a burying ground was established on the property.[41] The cemetery was located in the western half of the original Catherine Foster 2 and 1/8-acre parcel just east of Venable Lane and approximately 200 feet south of what was then Wheeler's Road, now Jefferson Park Avenue.

It is possible that the Foster family burial ground was established with the first documented death of a family member Sarah, Catherine's eldest daughter, in 1839. However it is not known that Sarah was living on Catherine Foster's land as she was married in 1835 and could possibly have been living elsewhere. Regardless, it is likely that the Foster family burial ground was established by 1860 at the latest. Between 1860 and 1881, six individuals known to have resided on the original Catherine Foster parcel died. Harriet, Catherine's granddaughter through Sarah, died ca. 1859-1860, Willie A. H. Foster, Catherine's grandson through Ann, died between 1860-1870, Elizabeth Morris died between 1860-1870, Catherine Foster herself died in 1863, an unnamed child of Ann's died in 1868, and Ann Foster died in 1881.

Upon the sale of her portion of the Catherine Foster estate to C. H. Walker and E. L. Carroll in 1906, Susan C. Foster reserved the right to remove the bodies from the family graveyard. While her intentions will never be known, it is clear that Susan and the extended Catherine Foster descendants did not subsequently remove any individuals.[42]

Post – Foster Ownership and Occupation of the Project Area, ca. 1906-1946

A narrow portion of unknown dimensions along the northern edge of the former Foster property was impacted by road construction in 1908. In March of this year, the Albemarle County Board of Supervisors authorized the improvement of several County roads extending from Charlottesville including what was then known as Lynchburg Road on the south side of the Academical Village. Minutes of the Board of Visitors of the University of Virginia record that such improvements to Lynchburg Road entailed 'grading and widening the same.' Contracts for construction had been let in the late summer of 1908 and construction was completed prior to 1909.[43]

With the exception of the Theresa Foster lot, the immediate post-Foster occupation of the project area was characterized by the rental or abandonment and demolition of the extant

[41] Although it will never be clear exactly when the project area cemetery was established, there is a possibility that it may have been established prior to 1833, thus pre-dating Kitty Foster's documented arrival. The material evidence supporting a second half of the nineteenth century use of the project area cemetery comes from 1993 when the cemetery was first discovered. At that time, archaeologists documented exposed coffin hardware from site grading that dated at least 3 of the 12 burials to the period between 1860-1900.

[42] *Albemarle County Deed Book* 134:274. Albemarle County Courthouse, Charlottesville, Virginia.

[43] *Minutes, Albemarle County Board of Supervisors* 1901-1909, March 18, 1908, 312; October 21, 1908, 352. Albemarle County Courthouse, Charlottesville, Virginia; *Minutes, Board of Visitors of the University of Virginia* (Minutes BOV), April 10, 1908, 173. Special Collections Department, University of Virginia Library, Charlottesville, Virginia.

structures located there. County and City Land Tax records document that the value of the Foster-era structures, ranging between $150 to $200, was maintained between 1906 and 1918 suggesting that the buildings on the property were not torn down right away.[44]

Shortly after his acquisition of the Susan Foster portion of the original 2 and 1/8-acre in 1906, E. L. Carroll sold his half interest to C. H. Walker. In 1916, C. H. Walker and his wife sold the property to Albert E. Walker. Albert E. Walker died two years later and by 1918 his will left the property to his wife Bessie Walker.[45]

The *Daily Progress* recorded the sale of the 'historic' property in 1916. "Mr. Albert E. Walker has recently purchased from Mr. C. H. Walker the historic piece of property on University Terrace which house was built by Thomas Jefferson at the time the University was being built. The lot contains a frontage of 115 feet and runs back 250 feet."[46] The dimensions of the lot referred to, 115 x 250 feet, is precisely the dimensions of the Susan C. Foster lot upon which the Foster residence was located.

It is during the Albert E. and Bessie Walker tenure when a substantial amount of activity is documented as occurring on the former Foster property. City land tax records document an 'improvement' to the buildings on site raising their value to $700 in 1916. However no value at all is recorded for the buildings on the Walker property between 1918 and 1923. In addition, a 1920 Sanborn Insurance map of the area shows no main residential dwelling present on the lot at this date. This information suggests that improvements to the existing Foster residence may have been implemented in 1916 and presumably the structure or structures were used for at least two more years. By 1918 however, Bessie Walker had presumably decided to raze the former Foster structures leaving the lot vacant.[47]

In 1924, City Land Books note the value of buildings on the Bessie Walker lot as $4,000 with a comment "building added." This is likely the period when the 1512 Jefferson Park Avenue structure[48] was constructed. It is probable that Bessie Walker rented the new house to a University professor and family. The development of the Walker land ca. 1923-1924 was likely tied to the subdivision and development of the larger area between Brandon Avenue and Valley Road as South Gate Terrace, a development initiated by H. P. Porter in 1924.

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[44] *City of Charlottesville, Land Tax Books*, 1906-1918. Charlottesville Courthouse, Charlottesville, Virginia; *Albemarle County, Land Tax Books*, 1906-1918. Albemarle County Courthouse, Charlottesville, Virginia.

[45] *Albemarle County Deed Book* 137:128; 228:426. Albemarle County Courthouse, Charlottesville, Virginia; *City of Charlottesville Will Boo*k 2:164. Charlottesville Courthouse, Charlottesville, Virginia.

[46] *Daily Progress* (Charlottesville, Virginia), June 20, 1916, 'Historic Property Sold,' p1. While the *Daily Progress* was inaccurate in assigning the construction of the former Foster residence to Thomas Jefferson, research suggests that the structure may have been built as early as 1819.

[47] *City of Charlottesville Land Tax Books*, 1916-1924. Charlottesville Courthouse, Charlottesville, Virginia.

[48] The structure located at 1512 Jefferson Park Avenue was demolished by the University of Virginia in May of 2009.

In 1993, Robert J. Hamblin, a former resident of the Theresa Foster and William Thomas Spradling residence on Venable Lane, drew a sketch of his memory of how the project area vicinity appeared in 1933. His drawing shows the structure at 1512 Jefferson Park Avenue and a long, narrow east-west oriented structure containing compartmentalized 'garages' to their rear. In a letter accompanying the map, Hamblin stated that he remembered a 'colored cemetery' in the vicinity of a willow tree. The willow tree drawn on his map is quite mature and is in the general location of the Foster cemetery. A 1934 aerial photo of the project area closely resembles his sketch.[49]

With the return of veterans from World War II in the mid-1940s, a housing boom hit the nation. It is during the immediate post-war period that Bessie Walker divided her property into three separate lots, keeping the larger northern portion and selling the southern most two. In 1946, Bessie Walker sold the middle lot to Bruce E. and Mary L. Tipton. A year later, City Land Books record that the value of buildings on the Tipton's lot was assessed at $2,500 with a comment of "building added." This is likely the period when the 400 Venable Lane structure was constructed.[50] Bessie Walker also sold the southern most lot in 1946 to Frances Norris. The deed stipulated that the conveyance was "subject to any rights that the parties may have in a graveyard which may be located on said lot." This phrasing clearly acknowledges that the Walkers knew about the presence of the graveyard somewhere within the lot being conveyed to Frances Norris as late as 1946, although they may not have known its precise location or specific boundaries. Bessie Walker finally sold her northern most lot in 1962 to the Shadwell Corp. The University of Virginia did not acquire the property along Venable Lane until the last quarter of the twentieth century.[51]

The Canada Neighborhood, 1825 - 1870

Albemarle County deeds verify that until 1867, Catherine Foster and her descendants were the only land-owning African American family residing south of and adjacent to the Academical Village. Yet various institutional and County records, both directly and indirectly, document a coherent African American community called Canada in this same vicinity. The toponym Canada clearly held a significant association for the residents of this historic Charlottesville community. Residents most likely named the neighborhood after the United States' northern neighbor.[52] Following the abolition of slavery in the British Empire in 1834, Canada became an ultimate destination for slaves escaping southern states. Canada held out a promise of hope for the future for many enslaved persons. Even after emancipation in the United States, when many former slaves returned to the United States, Canada would also have retained an important symbolic significance

[49] Robert J. Hamblin, M.D. 1993, [*Drawing of Venable Lane vicinity, ca. 1924-1933*]. Raymond C. Bice, University History Officer, to Ms. J. Kelley, Facilities Management Project Manager, June 24, 1993; University of Virginia, Visual History Collection, Rare Material Digital Services, Prints 07164. Special Collections Department, University of Virginia Library, Charlottesville, Virginia.

[50] The structure located at 400 Venable Lane was demolished by the University of Virginia in August of 2006 to facilitate examination of underlying soils to determine the full extent of the Foster cemetery.

[51] *City of Charlottesville Land Books*, 1924, 1947; *Charlottesville City Deed Book* 125:59, 60; 230:115. Charlottesville Courthouse, Charlottesville, Virginia.

[52] When Great Britain abolished slavery in 1834 Canada would have been a 'free' country.

in the minds of many freedmen. The Canada neighborhood could have been given its name to honor a country that had sheltered former slaves. Regardless, the naming of Canada was a clear and unequivocal statement of African American historical presence and perseverance in the face of a restrictive southern society and an educational institution that persecuted them. University documents support the fact that the Canada toponym was not a place name used just by the African American community but well known by administrators who referred to it several times in institutional records.

From approximately 1828 onwards, evidence exists for the rental or leasing of properties south of the Academical Village. In 1828 John Winn's advertisement of the future Catherine Foster property noted that it had been rented for 'the last 3 or 4 years.' Phil, 'a man of color' whom University records document lived "at the foot of the hill below the University" in 1828 would most likely have been a tenant as Albemarle County Deeds do not show a property owner by this name anywhere in this location. Likewise the 1833 census of Free Negroes and Mulattoes also documents numerous African American households north and south of the University of Virginia during this period. This evidence appears to suggest that property owners in this area began to look for solutions to vacant housing created by completion of construction work at the University of Virginia and the subsequent removal from Charlottesville of significant numbers of white contractors, subcontractors and their laborers. [53]

From 1860 onwards, University, Albemarle County, and Federal census records document the presence of Canada, an African American neighborhood south of the Academical Village. The earliest University reference to a neighborhood named Canada occurred in 1864 when the Chairman of the Faculty issued "Mr. Kinney, of Canada, [a] leave of absence until the 1st of May, to visit Richmond."[54] The first geographical reference to Canada's location was made by the University's Board of Visitors in July of 1867. Presumably expressing a concern over the presence of the tenements on the adjacent Widderfield estate, the University authorized the Proctor "to have further negotiations with Ambroselli on the subject of Canada and report the result of said negotiations to the Executive Committee at their next meeting for final decision." Ambroselli was a son-in-law to James Widderfield and resided on the Widderfield estate. Five years later in 1872, the Board of Visitors was discussing the presence of a number of unsightly structures on University grounds. In describing their location, they referred to the "shanties just over [the] road from the infirmary and adjacent to a settlement known as Canada."[55] A later, less direct reference to the expanding Canada community south of the University was made by the Rector and Board of Visitors in 1896. In addition to rebuilding the Rotunda, the Rector had directed the architectural firm of McKim, Mead and White to 'close off' the south end of the Academical Village Lawn in order to block "the area immediately to the south of the University's land and in full view …filled with

[53] *Proctor Papers*, RG-5/3/1.111. Box 7, Faculty Resolutions, 1827-1828. May 20, 1828. Special Collections Department, University of Virginia Library, Charlottesville, Virginia. The Ailstocks and Pleasants families could have been renting property from James Widderfield as his property encompassed land both south and east of the Foster family.
[54] *Journals of the Chairman of the Faculty, 1827-1864*. RG-19/1/2.041. Volume 13: 1861-1864, np. Special Collections Department, University of Virginia, Charlottesville, Virginia.
[55] *Minutes, BOV*, June 29, 1867, Vol. IV: 884; June 15, 1872, Vol. IV: 968.

unsightly houses."[56] The institutional references to the Canada neighborhood suggest that it was established no later than the immediate pre-war period and that it was associated with the Ambroselli property, a legatee of James W. Widderfield.

Outside of University of Virginia documents, the first public records to document the Canada neighborhood are census documents. Federal Census records suggest that James Widderfield may have built and rented tenements on his property by 1860 at the latest. The 1860 census, the second census to record geographical location, documents that at least six black or mulatto households were living in five separate residences adjacent to and between the Joseph M. Ambroselli household, son-in-law to James Widderfield, and the Catherine Foster household. Each of the heads of households was registered as a free person of color in the Albemarle County Minute Books. While the presence of free black families in this location in 1860 does not necessarily prove the presence of tenements south of the University, the fact that only the Foster family and other adjacent white families formally owned land in the area however strongly suggests this.[57] An 1863 plat of the James Widderfield estate, redrawn in 1893, shows the presence of several unidentified structures, most likely tenant houses, fronting Wheeler's Road and located east of the Foster property (Figure 2).

Albemarle County Personal Property tax records also document the Canada community. Between 1867 and 1869, personal property tax records documented the residential location and employer / place of employment for all black males. The Canada place name, along with other suggestive residential descriptors such as 'near University,' appears regularly in these records.

The frequent use of the toponym Canada in the 1867 Personal Property Tax Records strongly suggests that it was a commonly known locale in both white and black communities. It also strongly suggests that its origin extended back to at least 1860, or possibly even the pre-war period. Although Personal Property Tax Records only record the male black population of Albemarle County,[58] these records document that between 1867 and 1869 Canada, and the area south of the University of Virginia, was a vibrant community composed nearly entirely of renters. Several of these renters residing in Canada during this period, including James Johnson, Memnon Walker, and Reuben Lewis[59] went on to purchase their own property in the same area during the last quarter of the nineteenth century.

The years spanning 1862 -1870 appear to be a seminal period in the growth of the Canada neighborhood. During this period the death of several prominent white landowners including George W. Spooner, James Widderfield, George D. Harris, Thomas W. Harris, and Mary Daniel, and the subsequent division and sales of their estates, and the sale and

[56] Richard Guy Wilson, ed. *Thomas Jefferson's Academical Village*. (Charlottesville: University Press of Virginia, 1993), p57.
[57] Ninth U. S. Census, Population Statistics, Albemarle County, 1860; Albemarle County Land Tax Records, 1860.
[58] Black females' place of residence and employment were not recorded between 1867-1869.
[59] Reuben Lewis was listed as residing 'near University' in 1869 but purchased a property in Canada in 1876.

subsequent division of significant portions of land adjacent to the south side of the University by James Fife, had a significant and direct impact on the availability of property south of the University of Virginia. The process of division and sale of several estates and large parcels south of and adjacent to the University of Virginia also largely coincided with Emancipation and the beginning of Reconstruction, during which a large population of landless former slaves were looking for property to purchase.

Two of the earliest African American purchasers of land in Canada prior to 1870 were William Preston, and Charles Jones. Personal Property tax records document that both Preston and Jones lived west of the Fosters, recorded as 'near University' or in 'Canada.' The 1870 census records list William Preston as a brick mason. University records document that Preston worked at the University repairing walls and pavements and performing unnamed labor between 1864 and 1880s, and as a janitor (1865-1866) maintaining the 'public rooms' of the University. University records document that Charles Jones performed blacksmith work for the institution several times in 1866.[60] George Braxton, a laborer who was employed by the University between early 1865 and 1868, eventually settled in Canada purchasing a lot east of the Foster in 1875.[61] Institutional records show that part-time and task oriented services continued to be an important source of employment for several Canada residents in the late-Civil-War and immediate postbellum period.

The Canada Neighborhood 1870-1890

Prior to 1870, the historic core of the Canada neighborhood appears to have been located within the James Widderfield estate (immediately east and south of the Foster property), and the George W. Spooner estate (west of Venable Lane). From 1870 onwards however, the Canada neighborhood appears to have expanded predominantly in an eastward direction. This period is characterized by substantial growth in the number of property owning African Americans. Between 1870-1871, the 2 ¾ acre Mary Daniel parcel was subdivided and sold to an exclusively African American clientele. Between 1870–1880, a 10 ¾ acre portion of the George Harris parcel was subdivided and sold to a predominantly African American clientele. Just east of the George Harris lot, the 5-acre Thomas Harris lot was subdivided and sold between 1872-1880, also to a predominantly African American clientele. Over the course of a single decade, black property owning residents in the Canada neighborhood had increased from a total of 4 before 1870, to a total of 37 in 1880.[62] During this period of tremendous growth, the Canada community

[60] *Ledgers Maintained by the Proctor of the University of Virginia, 1817-1910*. RG-5/3/2.961. Volume 1861-1865, p402-406, 416, 427; Volume 1866-1867, p578; Volume 1867-1868, p744. Special Collections Department, University of Virginia, Charlottesville, Virginia. See also *Alumni Bulletin*, Third Series, Vol. 8, No. 5 (October 1915): 597-601.

[61] *Ledgers Maintained by the Proctor of the University of Virginia, 1817-1910*. RG-5/3/2.961. Volume 1861-1865, p404-406, 416, 431; Volume 1866-1867, p578; Volume 1867-1868, p744. Special Collections Department, University of Virginia, Charlottesville, Virginia.

[62] The four property owning black residents of historic Canada before 1870 included Ann Foster (and her descendants and relations), William Preston and James Johnson (and their descendants and relations), both residents west of Venable Lane, and Charles Jones owner of a parcel in the former Widderfield estate.

developed simultaneously with other postbellum African American neighborhoods ultimately, over time, blending and merging with them.

The Canada Neighborhood 1890-1925

During the transition between the nineteenth- and twentieth-centuries, white individuals and white-owned land development companies actively sought to purchase land in the vicinity of historic Canada. As a result of a court case disputing the 1863 dispersal of the James Widderfield estate, in 1890 the Charlottesville Industrial and Land Improvement Company purchased the residue of the original 17 and ¾ acre parcel, an approximately 15 and 5/8-acre tract. They transferred it to the Charlottesville Land Company in May of 1892, which then sold it to the Dawson Improvement Company in February of 1893. The Dawson Improvement Company was founded in 1893 and was composed nearly exclusively of University faculty members including John B. Minor, James M. Garnett, Charles Venable, J. Edgar Chancellor, Robert L. Carter, William M. Fontaine, Paul B. Barringer, A. P. Bibb, Frances H. Smith and G. Tucker Smith. The sole purpose of the stock corporation was "to buy the Kennedy tract or Canada near the University of Virginia and such other adjacent lands as may deem expedient for the object of the Company and to improve and sell for improvement said property." The stated business of the company was "to dispose of land purchased or which may be purchased to the advantage of the stock holders, but more particularly to improve, by inducing good partners to build upon the lands acquired by the Company and especially the professors and instructors of the University."[63]

Between 1894 and 1899, the Dawson Improvement Company sold off small lots of the former Canada lands to both non-Company and Company individuals. Lots sold to non-Company individual contained covenants requiring development of the property within six months, the construction of a dwelling suitable for a residence, and prohibiting the construction of any other buildings on the property with the exception of "such servants and other out houses as may be necessary for the use and enjoyment of the occupants of said dwelling and their servants employed on the premises; and that such servants and other outhouses shall be used exclusively in connection with said dwelling by the occupants thereof and their servants employed on the premises." Lots were also sold without covenants to University faculty and Company members, Paul B. Barringer and William M. Fontaine, in 1895. Barringer constructed a large residence, the Barringer mansion (French House), on his new property in 1896. It is not clear what happened to the numerous African American tenants of the former Widderfield estate between 1893 - 1896. It is likely however that a significant portion of the historic core of Canada was razed prior to the construction of Paul B. Barringer's residence.

In 1900, Josephine Smith sold the eastern portion of the former Catherine Foster estate to S. C. Chancellor et al. In 1906, Susan Foster sold a majority of the western portion of the Catherine Foster to the C. H. Walker and E. L. Carroll. In 1921, the remaining portion of

[63] *Albemarle County Charter Corporation Book* 1:166. Albemarle County Courthouse, Charlottesville, Virginia.

the Foster parcel, the small lot occupied by Theresa Spradling and her family, was sold to the Paul B. Barringer.

The extent to which white investors and white-owned development companies orchestrated a concerted effort to gentrify the former Foster lands and larger Canada vicinity is demonstrated by public coverage of the event. In the summer of 1916 the Daily Progress reported on the proposed renovation of the neighborhood south of and adjacent to the Academical Village containing the former Foster property.

> PEST HOLE CLEAN UP – What has for 60 years or more been regarded as a public nuisance and plague spot, is about to receive a thorough cleaning up and made to 'blossom like the rose.' This ugly place, located directly opposite the University, on the Fry's Spring's trolly line, has been observed by passers-by for generations with abhorrence as they have noticed the filthy, ramshackled buildings, pig pens and piles of junk full of offensive odors. The property has recently been purchased by Mr. Albert E. Walker and others, whose intention it is to transform the present horrid mess into a beautiful grove, with gardens and lawns. The entire neighborhood is to undergo a decided change, and what with the new chemical building of the University, now in course of construction [Cobb Hall], the handsome new University gates and new rustic station of the railway company, the place will be one of real beauty.[64]

Consequent with white reacquisition of black-owned property in the vicinity of historic Canada, and particularly beginning in the early twentieth century, many white landowners wrote racial clauses into their deeds preventing the resale or rental to African Americans. For all intents and purposes by the beginning of the first quarter of the twentieth century, the historic core of the Canada community, that area contained by the Catherine Foster and James Widderfield estates, was undergoing a process of gentrification. Canada's presence as a distinct neighborhood was relatively short lived. The premature demise of the historical core of Canada may help explain why this neighborhood does not show up in many City or County documents unlike other historically black Charlottesville neighborhoods that continued as vibrant communities well into the twentieth century.

Previous Archaeological Research

Between 1993 and 2007 the University of Virginia conducted 15 years of phased of archaeological research at the Foster archaeological site and at the Foster – Canada Cemetery. The cumulative research has led to one of the most well-documented free black archaeological sites in Virginia (Figure #3).

In the summer of 1993, a University of Virginia construction crew demolished two structures east of Venable Lane in advance of an expansion for existing parking lot. In the process of site grading several unmarked graves were inadvertently disturbed. Using

[64] *Daily Progress* (Charlottesville, Virginia), August 18, 1916. 'Pest Hole Clean Up,' p1.

mechanical assistance to excavate trenches and clear fill soils from a large area, archaeologists from the University of Virginia's Anthropology Department subsequently defined and documented a total of twelve grave shafts within an approximately 20 x 25 foot cemetery. Subsequent deed research identified that the graves were located on property formerly owned by Catherine 'Kitty' Foster, a free mulatto who purchased the 2 1/8 acre plot in 1833. Catherine Foster and her descendents owned and occupied the property into the first decade of the twentieth century. An archaeological report summarizing these preliminary findings was produced by graduate students in the Anthropology Department. The research found that three of the twelve interments contained diagnostic coffin hardware dating to the 1860 - 1890 period and tying the burials to the period of Foster occupation of the property. Beyond the cemetery, exposed soil profiles and cultural deposits were documented, an unprovenienced collection of material culture dating to the nineteenth century was made, and a partially intact mortared brick foundation, most likely representing a nineteenth century outbuilding, was identified and documented.[65]

During the summers of 1994, 1995 and 1997, the University of Virginia funded a program of archaeological research at the Foster family site. The program of summer research was run through the Anthropology Department as an archaeological field school. Field investigations identified a central residential structure with dug paneled cellar, brick chimney base, hard surfaced circulation and work areas surrounding the residence, a brick-lined well, and intact cultural deposits containing a wide-ranging domestic assemblage dating form the late eighteenth to early twentieth centuries. Contemporaneous with the archaeological investigations a multidisciplinary steering committee, the Venable Lane Task Force, was also formed by the University to guide documentary and genealogical research in support of the archaeological investigations. Headed by the Carter G. Woodson Institute, the Task Force produced several documents recording the genealogical and social history of the extended Foster family that occupied the site. A number of descendants of Catherine Foster were contacted two of whom made the trip back to Charlottesville to visit the archaeological site. In the Fall of 2002, the University of Virginia contracted with Rivanna Archaeological Consulting to write a final report of archaeological investigations based on the data compiled from University of Virginia field school notes between 1994 and 1997.[66]

As a result of planning for proposed construction of the multi-phased South Lawn Project, a new complex of buildings for the College and Graduate School of Arts and Sciences, in the Spring of 2005 the University of Virginia contracted with Rivanna Archaeological Services to perform limited field investigations in two targeted areas: 1) to excavate and expose the entire length of a previously identified pedestrian path known to extend from a central domestic residence northwards towards Jefferson Park Avenue

[65] Amy Grey, Drake M. Patten and Mark S. Warner, *A Preliminary Archaeological Assessment of the Venable Lane Site*, 1993. Submitted to Facilities Planning and Construction Department. University of Virginia Library, University of Virginia.

[66] See Benjamin Ford, *The Foster Family – Venable Lane Site: Report of Archaeological Investigations.* Prepared for the University of Virginia, Charlottesville, Virginia. Prepared by Rivanna Archaeological Consulting, Charlottesville, Virginia. (Charlottesville: Rivanna Archaeological Consulting, 2003).

and the University of Virginia; and 2) to expose, define and document a brick and stone feature, previously identified in a 1993 soil profile, and thought to be possibly related to the Foster cemetery. Archaeological investigations documented the remaining portion of a 5-foot wide brick and stone surfaced pedestrian path and found that it had been previously impacted on the extreme northern end by an early twentieth century widening of Jefferson Park Avenue. Materials used in construction of the formal path included large stone cobbles, brick and brick bats, and small stones, composed to make a visually distinct and aesthetically pleasing appearance. Material culture recovered from soils associated with and surrounding the pedestrian path contained limited quantities of artifacts, including first half of the nineteenth century tableware ceramics and cut nails, and a relative lack of late nineteenth to early twentieth century material culture, suggesting a mid-nineteenth century construction date.

Excavation and exposure of the brick and stone feature near the Foster cemetery documented that it was a retaining wall built for the mid-twentieth century 400 Venable Lane residence. However investigations also identified an additional human burial north of and adjacent to the extant Foster cemetery. Following the discovery of the new burial, large scale removal of soils surrounding the Foster cemetery focused on the goal of documenting any previously unidentified burials. In addition, the small mid-twentieth century cinder block structure at 400 Venable Lane was demolished to ensure that no burials were located underneath it. An additional 20 human interments were identified located predominantly west and north of the extant Foster cemetery. After clearing 25-feet beyond all positively identified interments, the cemetery was found to contain 32 individual graves (including the original 12) and was found to be approximately 40 feet north-south, by 47 feet east-west. The graves were documented, mapped and preserved in place under significant fill deposits.[67]

In advance of proposed commemorative and interpretive installations at the Foster site, in the Fall and Winter of 2006-2007 Rivanna Archaeological Services conducted pre-construction archaeological investigations in targeted areas. The archaeological investigations were intended to mitigate the impact of proposed landscape features. The project scope was designed to target two specific areas of investigation, the course of a proposed concrete walk extending from Jefferson Park Avenue south and into the site, and the location of a proposed Shadow Catcher structure overlying the central nineteenth century domestic residence. Archaeological investigations focused on expanding areas of excavation west, south and east of the early nineteenth century domestic residence, originally identified during the mid-1990s, and also west of and adjacent to a nineteenth century brick and cobble pedestrian path extending north towards Jefferson Park Avenue.

Significant features identified during the 2006-2007 fieldwork included 1) the exposure of a western addition or wing to the early nineteenth century domestic residence; 2) an approximately 2 ½ foot wide north-south oriented pathway fronting the west side of the western addition composed of small cobbles within a soil matrix; 3) the western

[67] See Benjamin Ford, *'A Settlement Known as Canada:' Archaeological Investigations at the Foster Site (44AB525)*. VDHR File 2004-0046. Prepared for the Office of the Architect, University of Virginia. (Charlottesville: Rivanna Archaeological Services, LLC, 2006).

termination of an east-west oriented pathway fronting the south side of the early nineteenth century domestic residence; 4) a northeast – southwest oriented fence line leading from the domestic residence to a brick lined well; 5) a shallow linear swale-trench feature west of and paralleling the northern brick and cobble pedestrian pathway; 6) exposing the articulation of a large area of brick paving north of the early nineteenth century residence and a brick and cobble pedestrian path; and 7) intact cultural deposits containing significant quantities of material culture dating from the early nineteenth to the early twentieth centuries.[68]

Between 2007 and 2010 archaeologists also monitored activities associated with the construction of the South Lawn buildings, as well as the installation of commemorative structures within the Foster archaeological site. Because of the presence of significant fill soils placed on top of the Foster site prior to the construction of commemorative structures, all cultural deposits and features were preserved and no cultural deposits or features associated with 44AB525 were impacted.[69]

Archaeological Deposits and Cultural Features

Between 1993 and 2011, nearly 47,500 artifacts were recovered from the Foster archaeological site. The extensive material culture collection reflects a predominantly domestic assemblage, including ceramic and glass tableware, architectural materials, personal items, children's toys, and artifacts reflecting work, broadly dating from the late-eighteenth to the early twentieth century.

Tableware ceramics and glass containers dominate the domestic assemblage. Late eighteenth century to early nineteenth century pearlware and mochaware ceramics, early nineteenth century whiteware and Bennington ceramics, mid-nineteenth century ironstone, Rockingham and yellow ware ceramics, late nineteenth century American porcelain wares, and limited amounts of imported Chinese and Japanese porcelain constitute the bulk of the tableware collection. Other ceramics include redware flower pots, and numerous coarse earthenwares including American blue and gray stoneware and other stoneware storage vessels.

Architectural items, prevalent in the collection, included significant amounts of pane glass, and wrought, cut and wire nails. Other architectural items recovered include roofing slate, tin sheeting, asphalt-based shingles, door knobs, hooks, keys and key plates, etc.

A significant number of personal items including pencil leads and eraser holders, smoking pipes, toothbrushes, combs, beads, buckles, jewelry, coins, pen knives, a

[68] See Benjamin Ford, *Phase II Data Recovery Investigations – The Foster Site (44AB525)*. VDHR File 2004-0046. Prepared for the Office of the Architect, University of Virginia. (Charlottesville: Rivanna Archaeological Services, 2008).

[69] See Benjamin Ford, *Archaeological Investigations Associated with the South Lawn Project Building Footprint and Utility Systems*. VDHR File 2004-0046. Prepared for the Office of the Architect, University of Virginia. (Charlottesville: Rivanna Archaeological Services, LLC, 2011).

harmonica, a pocket watch and ammunition were found throughout the site. The assemblage also documented the presence of children as represented in a large number of toys including 75 marbles, 203 pieces of dolls, and 11 pieces of ceramic toy tea sets (Figures #4 through #9).

Of particular significance to the property are large numbers of artifacts associated with the work of nineteenth century laundresses and seamstresses. A total of 294 buttons or button covers were recovered from the site, as well as thimbles, scissors, straight pins, eyelets, clothing closures, hook & eyes, and an awl. This assemblage forcefully demonstrates the occupations of generations of Foster women as laundresses and seamstresses (Figures #10 through #12).

Of as yet undetermined significance, an incised steatite pipe (Figure #13) was recovered from an unprovenienced context on the site. Although initially believed to be of American Indian origin, a similar incised steatite pipe was identified on another free Black archaeological site, Free State, located in Albemarle County. It is now believed that these elaborately decorated stone pipes may be of African American origin.

Central to the domestic complex are the archaeological remains of an early nineteenth-century residence. The residence is composed of several intact architectural components including an approximately 20 x 20-foot dug cellar. The cellar contains wood flooring on joists raised above the soil, as well as horizontal wood-paneled sides extending approximately 1.3 feet above the floor. A bulkhead entrance is located on the eastern side of the cellar, as well as a stairway entrance on the south side. Remnant brick piers and brick alignments, most likely associated with a subsequent addition to the structure extend to the west of the dug cellar. The remains of a 2.5 x 5.0-foot brick chimney base, as well as remnant brick surfacing believed to be the remains of a fire box, are centered on the south façade of the cellar (Figure #14). While the early nineteenth-century domestic residence within the Foster archaeological site is believed to have been demolished sometime during the first quarter of the twentieth century, archaeological investigations have determined that demolition was limited to the super story of the structure with little impact to soils surrounding and adjacent to it.

Beyond the residential structure, significant intact landscape features were also documented north, west, and southwest of the domicile. Extending north towards Wheeler's Road and the University of Virginia, a formally paved brick patio abutting the north side of the residence narrowed into a north-south oriented brick and cobble surfaced 4.5 – 5.0-foot wide walk (Figures #15 and #16). The extreme northern end of this circulation feature appears to have been disturbed by a ca. 1908 widening of Jefferson Park Avenue.

An extensive area of stone cobbling, approximately 11 x 25 feet, was also identified extending west from the residence, underlying the western addition to the structure, and possibly pre-dating it. The cobbling, interpreted as a broad yard surfacing, was bounded on its west by a narrow north-south oriented stone paved path composed of small, flat stones. To the southwest, an additional area of stone cobbling was identified extending

beyond the area of investigations. Remnant brick and stone surfacing, possibly a pedestrian path, also extend from the southwest corner of the structure in a westward direction (Figures #17 and #18).

Several post-hole features were identified to the west of the structure. While post-holes off the northwest of the structure appeared to be isolated and of unidentified function, three post-holes extending in a line to the southwest were found to bound an area of stone cobbling. The three post-holes were found to be placed on four foot centers and form a northeast – southwest oriented line. They are interpreted as a fence line, possibly defining work space from other domestic space (Figure #19).

The top of a deep brick lined feature was identified approximately 40 feet southwest of the structure. The feature is cylindrical in shape, possessing an interior diameter of approximately 4 feet, and was composed of mortared brick. Soils on the interior of the feature were composed of heavily mottled red clay, presumed to be fill soils, as well as significant deposits of construction gravel towards the surface. The deep feature, presumed to be a well, was defined to a depth of approximately 1.0 foot below grade but left unexcavated (Figure #20).

Approximately 60 feet to the southwest of the residence a remnant brick foundation with yellow sandy mortar was identified. Partially destroyed by site grading, this structures measures minimally 7 feet north-south x 11 feet east-west. A structure in this location appears as a small square unidentified building on a 1920 Sanborn Fire Insurance map of the larger neighborhood. Believed to date to the nineteenth century occupation of the property, this small outbuilding may represent a smoke house or other utilitarian structure (Figure #21).

Three extant white oak trees and two large tree stumps were also documented surrounding the residential structure. Together these trees formed a near complete circle some 65 feet in diameter and are thought to represent trees either intentionally planted or selected for during nineteenth century site development.

Associated with the Foster archaeological site is a small cemetery approximately 110 feet south of the residential structure and adjacent to historic Venable Lane. Initially identified in 1993 as containing 12 interments, investigations conducted in 2005 identified an additional 20 interments. The 32 burials were all oriented east-west and appeared to be organized into several rows containing both small and large clusters. The interments ranged in size between small child/infant, to youth/adult. After several graves were inadvertently disturbed during the 1993 discovery of the cemetery, an examination of coffin hardware documented that three of the burials dated to the post-1860 period, confirming their association with the Foster period of occupation (Figure #22).

Because only a small number of individuals are known to have died while residing on the Foster property, and given the arrangement of distinct clusters of burials, it is assumed that the large number of interments may represent the use of the cemetery by both the Foster family and residents of the larger African-American Canada neighborhood.

Research Generated Publications

Evans, Geoffrey.

2000 *A History of the Venable Lane Neighborhood, Charlottesville, Virginia: 1830-1906*. Honors Thesis, Distinguished Majors Program, Department of Anthropology. Ms. on file with the Anthropology Department, University of Virginia.

Fife, Millie.

1996 A Report on the Foster Family of Venable Lane. July 30, 1996.

1995 A Report on the Foster Family of Venable Lane. November 2, 1995.

1995 The Foster-Evans Connection. July 26, 1995.

1994 A Report on the Foster Family of Venable Lane. June 1, 1994.

nd. Foster Family of Venable Lane.

nd. #2 Report on the Fosters.

Ford, Benjamin.

2011 *Archaeological Investigations Associated with the South Lawn Project Building Footprint and Utility Systems*. VDHR File 2004-0046. Prepared for the Office of the Architect, University of Virginia. Charlottesville: Rivanna Archaeological Services, LLC.

2009 *Phase III Data Recovery Investigations. The Foster Site (44AB525).* VDHR File 2004-0046. Prepared for the Office of the Architect, University of Virginia. Charlottesville: Rivanna Archaeological Services, LLC.

2006 *'A Settlement Known as Canada:' Archaeological Investigations at the Foster Site (44AB525).* VDHR File 2004-0046. Prepared for the Office of the Architect, University of Virginia. Charlottesville: Rivanna Archaeological Services, LLC.

2003 *The Foster Family – Venable Lane Site. Report of Archaeological Investigations*. Prepared for the University of Virginia. Alderman Library, University of Virginia. Charlottesville: Rivanna Archaeological Consulting.

Grey, Amy, M. Drake Patten, and Mark S. Warner.

1993 *A Preliminary Archaeological Assessment of the Venable Lane Site*. Submitted to Facilities Planning and Construction Department, University of Virginia. Alderman Library, University of Virginia.

Patten, M. Drake.

1994 *Report on the First Season of Excavations at Venable Lane*. Ms. on file at the Department of Anthropology. University of Virginia, Charlottesville, Virginia.

Archaeological Significance Statement: Discuss historical and archaeological reasons that the site is likely to be significant. Briefly note any significant events, personages, and / or families associated with the site. Detail what research issues could be effectively addressed with the archaeological remains preserved at this site.

Statement of Significance

The Foster archaeological site is nationally significant for listing on the National Register of Historic Places under Criterion A for Social History and Ethnic Heritage, and Criterion D for Archaeology. The period of significance for the Foster archaeological site, 1819 – 1906, span the dates between its initial development and its sale out of the Foster family.

Of paramount significance, and at a very basic level, the Foster archaeological site is significant because it documents the physical presence, survival and perseverance of a land-owning, independent, free black property owner, Catherine Foster, and her extended family in an antebellum southern rural context. Although believed to have lived on site as a renter for some years, in 1833 the mulatto laundress and seamstress Catherine Foster purchased the 2 and 1/8-acre parcel that included a dwelling and brick smoke house. The acquisition of land by free blacks was a significant accomplishment in antebellum Virginia, one which had both practical and symbolic implications. As a laundress, Catherine Foster's property was integral to her existence. In addition to providing shelter for her family, a majority of Catherine's work, including obtaining water, washing, drying and ironing was conducted at home in her yard. The decision to purchase her own property, and thereby ensure the economic productivity of herself and her descendants, established a claim to the socio-economic future of the developing University and Charlottesville community. On the symbolic level, the action was also a calculated decision that formally promoted the social and legal standing of herself and her family, within an increasingly antagonistic and white dominated University and Charlottesville community. As free blacks in 1830s Virginia, Catherine Foster's decision to purchase property in 1833 would have reverberations in the area adjacent to and south of the University for nearly a century.

The Foster archaeological site is also significant because it documents the individual and family experiences of free African-American residents and their complex social and economic interactions with the University of Virginia and larger white Charlottesville. Like other free black residents living adjacent to the University of Virginia, the Foster family interacted with the educational institution and its occupants, on both an economic and social level. Catherine Foster and her descendants provided over six decades of laundry and seamstress services to faculty, staff and students as well as other local residents. Beyond providing economic services, Catherine Foster and her descendants also interacted with students, faculty and neighbors in a number of complex social levels as well. Foster bound out her two sons to an unnamed white master in 1830, and six years later to her neighbor James Widderfield, a white master carpenter. Perhaps as a result of the contacts she made because of her laundering business, institutional records document that Catherine Foster also held student pistols and ammunition for safekeeping in the late 1830s when it was against the rules for a student to possess a firearm on University grounds. In 1857 Thomas Jefferson Randolph, grandson of Thomas Jefferson, Rector of the University of Virginia, and Delegate from Albemarle County to the General

Assembly, provided evidence to a judge for Ann Foster's application that her children, Susan and Clayton, were of 'mixed blood.'[70]

The Foster archaeological site is significant because of the pivotal role that Catherine and her children and grandchildren played in helping to establish the larger pre-War tenant, and post-War land-owning African American community named Canada. As the only African-American owned property south of the University until 1867, the Foster property served as a lynchpin within the developing African-American antebellum tenant community. While evidence for a small African-American community of tenants south of the University is documented as early as the 1830s, the first geographic reference to 'Canada' as a distinct African American neighborhood occurred in 1864. During the period of Reconstruction and the Jim Crow era, the area south of the University and east and west of the Foster property was transformed into a vibrant community of skilled artisans and laborers including blacksmiths, brick masons, laundresses, seamstresses, and preachers, and unskilled laborers such as railroad workers, cellarmen, hucksters, as well as domestic servants. Most African-Americans living in the Canada community purchased their property and constructed residences there largely during the period of Reconstruction, between 1868 and 1880.

The period of significance for the Foster archaeological site, ca. 1819 – 1906, spans the antebellum, Civil War, and the post-Emancipation periods including the Reconstruction and Jim Crow eras. As such, the Foster archaeological site is significant because it is representative of the important and often painful transition made by free and enslaved African Americans from pre-war persecution to post-war freedom, a transition in search of acceptance, equality, permanence and prosperity. The Foster archaeological site documents the experiences of post-Emancipation African Americans including the social and economic opportunities of property-owning laborers in a southern rural context, and the racism encountered in an increasingly discriminatory and segregated socio-political structure that was white southern society.

Singularly important, the Foster archaeological site is significant because it documents the experiences of generations of a mixed-race family and the bi-racial individuals who lived there. Particularly in pre-Civil War Virginia, antebellum laws increasingly restricted free persons of color, acting to limit freedoms and privileges whites took for granted. For most of the Commonwealth's pre-Emancipation history, race was unambiguously defined based on one's distance from African ancestors. In post-Revolution and early National Virginia, a person who possessed up to one fourth African ancestry [71] was considered legally white. However following the Nat Turner rebellion and the enactment of new laws further restricting the liberties of free blacks, in 1833 race in the Commonwealth became more ambiguous. Seeking to exempt certain classifications of mixed blood non-whites from overly restrictive penalties imposed on free blacks, the General Assembly enacted a law permitting local courts to provide a certificate to a free, mixed-blood

[70] *Albemarle County Minute Boo*k 1830-1831, February 8, 1830, np; *Albemarle County Minute Book* 1834-1836: April 1, 1836, p324. Albemarle County Courthouse, Charlottesville, Virginia; *Journals of the Chairman of the Faculty, 1827-1864*. RG-19/1/2.041. Volume 6: July 1835-July 1837: June 3, 1837, p44. Special Collections Department, University of Virginia, Charlottesville, Virginia.

[71] Following the American Revolution, in 1785 the Virginia General Assembly modified the defining line between the races to one fourth African ancestry. The law previous to this date, recognizing one eighth African ancestry, had been in effect since 1705.

individual stating that they were neither white nor free Negro nor mulatto.[72] Racial definition then, both self-defined and imposed from without, became a locally negotiable and fluid concept for many free persons of color. Beginning with Catherine, documents record that generations of Foster family members were variously listed by white federal census takers as white, black, mulatto or possessing no racial status at all. In 1857 Ann Foster took advantage of existing law to declare her children, Susan and Clayton, 'not a negro.' Supporting her application to the court were very influential white men in the University and Charlottesville community. In the eyes of the court Susan and Clayton were less than one quarter black and were therefore exempt from legal discriminations imposed on other free blacks. Ultimately when some of Catherine Foster's late twentieth century white descendants visited the archaeological site in the late 1990s, they had no idea of their African-American ancestry suggesting that some family lines may have 'passed' as whites in the twentieth century. The Foster archaeological site therefore represents a truly American experience in that it reflects the changing social and political perceptions of race in the nineteenth- and twentieth-centuries through the experiences and choices of individuals.

The Foster site is also significant for its truly unique and well-preserved archaeological resources. The Foster site possesses the intact remains of a well-preserved first quarter of the nineteenth century residence. Although likely constructed by Abner Hawkins ca. 1819, "the dwelling house suitable for a small family" was occupied by Catherine Foster and her children by the beginning of the second quarter of the nineteenth century. Through their nearly eighty year occupation of the site, the Foster family made the dwelling their own, expanding upon and developing it throughout the remainder of the nineteenth century. The archaeological remains of the early nineteenth century dwelling include an intact wood-lined dug cellar, brick chimney base and fire box, bulkhead entrance and stairway, and remnant masonry piers associated with residential additions. The archaeological remains are an unusual and rare example of antebellum working class housing in Virginia, a feature that is underrepresented in the archaeological record of Virginia. The dug cellar with framed floor on joists and wood-paneled siding, in particular, appears to be a unique example that contributes to the interpretive potential of how the Foster family may have utilized their residence.

Surrounding the dwelling, the Foster site is significant for intact and well-preserved portions of an aesthetic and functional nineteenth century domestic landscape. Linking the dwelling with the main thoroughfare of Wheeler's Road to the north, a formal sinuous brick paved patio fronting the north façade of the residence leads to a linear four foot wide brick and stone cobble path. Broadly distributed to the west and southwest is a less formal hard-surfacing incorporating an extensive area of stone cobbling with several paths composed of both small flat stone, and larger stone and brick bats. The two types of hard surfacing reflect both the public face of the domicile fronting the main road, and a less-public yard area and work space fronting a private alley, Venable Lane. To the southwest of the dwelling, an intact brick-lined four-foot diameter unidentified deep feature, most likely a well, was documented but left unexcavated. The hard surfaced landscaping and presence of the well in the western yard reflect the importance of this area for work-related chores and its significance to the livelihood of the Foster women. Further southwest of the dwelling, a remnant mortared brick foundation testifies to the

[72] See Rothman, *Notorious in the Neighborhood*, for an explanation of the reasoning behind and impact of these race laws.

presence of a small nineteenth century outbuilding, possibly the smoke house located on the property as mentioned in the 1828 John Winn advertisement.

Of unknown significance, but visually and aesthetically important to experiencing the nineteenth-century Foster domestic landscape, five white oak trees or tree stumps were documented north, west and south of the main residence. Whether intentionally planted or selected for during site development, the trees formed part of a circular grove embracing the residential structure. Architectural and landscape features documented through archaeological research appear to reflect and respect the presence of the trees, with pedestrian paths and cobbled areas gracefully avoiding and winding around them. The trees are interpreted as an integral part of the Foster archaeological site, specimens that provided a practical benefit of shade and comfort, but also an aesthetically pleasing experience.

The Foster site is also significant for its immensely rich, broadly distributed and well-preserved stratified cultural deposits. Although material culture was less densely distributed and soils contained evidence for limited disturbances adjacent to Jefferson Park Avenue, surrounding the dwelling and immediately to its north, west and south the cultural deposits contained significant quantities of material culture, and well preserved cultural features. Research and mitigation oriented archaeological excavations over the course of 17 years has yielded a predominantly domestic artifact assemblage ranging from the late-eighteenth to the early twentieth century. Nearly 47,500 artifacts including ceramic and glass tableware, architectural materials, children's toys and work-related items were recovered from soils surrounding the dwelling. These artifacts not only speak to Foster family possessions through time, but reflect the decisions they made as bi-racial consumers, and as individuals interacting within a larger white dominated racist society.

Buried in a small cemetery southwest of the main dwelling, 32 unidentified individuals including infants, youth and adults, members of the extended Foster family and larger African-American community of Canada, mark the presence of what was once a vibrant community of tenants and land-owners living south of and adjacent to the University of Virginia. These graves, currently preserved beneath fill soils, possess a distinct spatial patterning characterized by both small and large clusters separated by space. The clustering suggests the interment of related individuals and households. The quantity of burials also suggests a use beyond the immediate Foster family. Recognizing that prior to Emancipation, free blacks had few choices for public interment in Charlottesville, the Foster cemetery may have provided an uncontested place of burial for non-land-owning African American tenants. Likewise in post-Emancipation Charlottesville, African American residents of Canada may have taken advantage of the local burying ground, perhaps choosing to be interred in their own neighborhood. The presence of the small cemetery reinforced the central role of the Foster property to the developing African-American community of Canada. The Foster / Canada cemetery is included in the National Register nomination project area.

Research Issues

As a site that was predominantly occupied and shaped by African Americans over a period of nearly eighty years, the Foster site must necessarily explore the issue of race as a determining factor in the meaning of material culture, the evolution of the cultural landscape, and in particular the construction of African American social identity, both self-imposed and instituted from without. Although socially and legally redefined

through time, perceived racial identity directly influenced relationships between blacks and whites in nineteenth- and twentieth-century Charlottesville, Virginia. Historical and archaeological research can contribute to a greater understanding of how free blacks and post-Emancipation African Americans negotiated social and economic relationships within larger white society and how these relationships changed in important ways. This can be achieved through a detailed examination of archival sources and the development of a broader historic context for antebellum and post-Emancipation Charlottesville, Virginia, as well as a contextualized interpretation of the material culture recovered from the site.

Ultimately the historical and archaeological research from the Foster site can also contribute to documenting the pervasive and oppressive role of racism in a rural southern town through the lens of late-nineteenth and early-twentieth-century gentrification. In particular, future research must examine the important and active role played by University faculty and other prominent white Charlottesville citizens in the demise of the Foster site and larger African American Canada.

Because census records document that for several generations few adult males resided on the Foster property, gender and the role of women emerge as an important lens with which to view the development of the property, the consumer choices associated with material culture recovered from the site, and in general informing the decisions that impacted daily life. As heads of their households, generations of Foster women had obligations to both work *and* family, simultaneously providing for their loved ones and raising children. Both race and gender drove the options for occupations available to the Foster women throughout the nineteenth century. As free black seamstresses and laundresses, the Foster women chose a livelihood that provided optimal working conditions, allowing them to conduct a majority of their labor at home while simultaneously permitting the care of their children. Because gender played an important role in determining the occupation of the Foster women, and because the landscape surrounding the Foster residence was vitally important to their occupation, gender must also seen as a determining factor in the formation of the landscape.

Given the extraordinary amount of historical and archaeological research documenting the Foster site and its occupants, 44AB0525 provides a unique case study that allows the comparison and contrast of predominantly white generated texts describing the Fosters and their property, with a predominantly black generated archaeological record over the course of a century. This comparison can not only examine the role of the archaeological record as an important data source that informs and contributes to a greater historical understanding, but can also highlight the influence of racism on the perception of a prominently located nineteenth-century African American-owned property by the larger white University and Charlottesville community.

Continued archaeological analysis of the material culture recovered from the Foster site can examine African American consumptive behavior throughout the nineteenth century. The prevalence of numerous consumer studies on both African American and non-African American archaeological sites will allow productive comparison to the Foster assemblage. In particular the contextualization of material culture recovered from 44AB0525 can potentially aid in understanding the creation of personal and communal identity and how it may have changed through time.

As the only black-owned property adjacent to the pre-Emancipation University of Virginia, and as the core of the vibrant and extensive pre- and post-Emancipation African-American community of Canada, the Foster site can provide greater insight into the meaning of nineteenth century African-American landholding, and the importance of a cultural landscape in defining and reinforcing individual and communal racial identity through time. Intra-site analysis of the archaeologically documented domestic landscape contained within the Foster site can speak to the creation of place through time by studying the individual and communal activities carried out there. Through inter-site analysis, landscape-focused studies can explore the changing relationship and interaction of antebellum and post-Emancipation African Americans to the adjacent Academical Village and its residents, and the larger Charlottesville white community that grew to reject the presence of, yet depend upon the service-based labor of blacks who lived there.

Finally the Foster family cemetery, a repository for 32 individuals including adults, youth and children, and tentatively interpreted as a burying ground for the larger Canada community, can contribute to understanding the development and persistence of the Foster property and the Canada community. Burial grounds play an important role in establishing a sense of place on an individual and communal level. Cemeteries directly contribute to creating a legitimacy of presence and belonging grounded in time and longevity.

Legal Owner(s) of the Property (For more than one owner, please use a separate sheet.)

Mr. ☐ Mrs. ☐ Dr. ☐
Miss ☐ Ms. ☐ Hon. ☐ Rector and Visitors of the University of Virginia
(Name) (Firm)

NW Wing, The Rotunda, PO Box 400222	Charlottesville	VA	22904
(Address)	(City)	(State)	(Zip Code)

(Email Address) (Daytime telephone including area code)

Owner's Signature: _____ Date: _____

• • Signature required for processing all applications. • •

In the event of corporate ownership you must provide the name and title of the appropriate contact person.

Contact person: Brian E. Hogg, Senior Historic Preservation Planner

Daytime Telephone: (434) 924-4356

Applicant Information (Individual completing form if other than legal owner of property)

Mr. **X** Mrs. ☐ Dr. ☐
Miss ☐ Ms. ☐ Hon. ☐ Benjamin Ford Rivanna Archaeological Services, LLC
(Name) (Firm)

410 East Water Street, Suite 1100	Charlottesville	Virginia	22902
(Address)	(City)	(State)	(Zip Code)

bford@rivarch.com 434-293-3108 (w) 434-981-9468 (m)
(Email Address) (Daytime telephone including area code)

Applicant's Signature: Benjamin Ford Date: February 26, 2014

Notification

In some circumstances, it may be necessary for the department to confer with or notify local officials of proposed listings of properties within their jurisdiction. In the following space, please provide the contact information for the local County Administrator or City Manager.

Mr. **X** Mrs. ☐ Dr. ☐
Miss ☐ Ms. ☐ Hon. ☐ Maurice Jones City Manager
(Name) (Position)

City of Charlottesville P.O. Box 911, 605 East Main Street
(Locality) (Address)

Charlottesville	VA	22902	434-970-3101
(City)	(State)	(Zip Code)	(Daytime telephone including area code)

Please use the following space to explain why you are seeking an evaluation of this site.
The University of Virginia is committed to understanding and interpreting its history. To that end, the Foster Site was investigated and interpreted as part of the South Lawn Project. We recognize, however, that the interaction between this free African-American family and the faculty, staff, and students of the University is part of a larger story of the African-American experience in Albemarle County, the Commonwealth, and the United States and seek to have that story more widely recognized.

Would you be interested in the easement program? Yes ☐ No ☒